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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/665,190	09/12/2000	Thelma G. Manning	95-18A2	9011	
759	90 01/29/2002				
Robert Charles Beam			EXAMINER		
Attn: AMSTA-A Building 3			MILLER, EDWARD A		
Picatinny Arsen	al, NJ 07821-5000		ART UNIT	PAPER NUMBER	
			3641 DATE MAILED: 01/29/2002	7	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Edward A Miller - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. Edition of the map be available used to the provisions of 37 CRF 1.15(d), in or event, however, may a reply be timely filed. If the period for reply specified above, the maximum standary period will apply and will expire 35 (d) in MONTHS from the making date of this communication. If the period for reply is specified shows, the maximum standary period will apply and will expire 35 (d) in MONTHS from the making date of this communication. If the period for reply is specified shows, the maximum standary period will expire 35 (d) in MONTHS from the communication. If the period for reply is specified shows, the maximum standary period will expire 35 (d) in MONTHS from the reading date of this communication. If the period for reply is specified shows, the maximum standary period will expire 35 (d) in MONTHS from the reading date of this communication, which is the standary minimum of this (50) days from the communication. All prefer for reply is specified at the sum than the another shows the maximum standary minimum of this (50) days from the communication. All prefer for this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayte, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) £-15 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b) Claim(s) £-15 is/are rejected. 7c) Claim(s) £-15 is/are rejected. 7c) Claim(s) £-15 is/are rejected. 7d) Claim(s) £-15 is/are rejected. 1d) The drawing(s) filed on is/are. all accepted or blight objected to by the Examiner. Application Papers 9c) The proposed drawing or receit in minimum standary period to the drawing(s) b								
## Examiner ## Edward A Miller ## 3641 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. If the period to reply periodic double is best him this? (300, days, a reply whith the automory midmum of thing (20) days will be considered timely. If the period to reply periodic double is best him this? (300, days, a reply whith the automory midmum of thing (20) days will be considered timely. If the period to reply periodic double is best him this? (300, days, a reply whith the automory midmum of thing (20) days will be considered timely. If the period to reply which the set or addresded priod for reply will, by statutia, cause the application is become ABANDONED (25 U.S.C. § 133). Aprincip received by the Office later than these mentals effect the mailing date of this communication. Fabrus to reply which the set or addresded priod for reply will, by statutia, cause the application is become ABANDONED (25 U.S.C. § 133). Aprincip received by the Office later than these mentals effect the mailing date of this communication to scene ABANDONED (25 U.S.C. § 133). This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(8) ☐ £15 lare pending in the application. 4a) Of the above claim(s) ☐ is/are withdrawn from consideration. 5) ☐ Claim(s) ☐ £15 lare rejected. 7) ☐ Claim(s) ☐ £15 lare rejected. 7) ☐ Claim(s) ☐ £15 lare rejected. 10 ☐ The drawing(s) filed on ☐ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. 4polication Papers 9) ☐ The specification is objected to by the Examiner. 10 ☐ The proposed drawing correction filed on ☐ is: a) ☐ accepted or b) ☐ objected to by the Examiner. 1	•		Application	Application No.		Applicant(s)		
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3 CFR 1.15(g). In no event, however, may a reply be timely filed after SIX (5) MOXITISS from the mailing date of this communication. I this period's may be available under the provision of 3 CFR 1.15(g). In no event, however, may a reply be timely filed after SIX (5) MOXITISS from the mailing date of this communication. I this period may be available under the provision of the			appears on the	cover sheet with the c	orrespondence ad	ldress		
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RESTRICTION:

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 6-12, 14 and 15, drawn to a product, classified in class 102, subclass 283.
 - II. Claim 13, drawn to a method, classified in class 264, subclass 3.1+.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product, especially as most broadly claimed in claim 6, can be made by a method involving mixing, but not with extrusion, for example.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

REJECTIONS and OBJECTIONS:

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 6-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no apparent basic for the subject matter as now claimed, or at lest the basis therefore has not been pointed out. Applicant is required to point out the basis for these claims which may include two co-extruded propellants, for example. It appears that there is a serious question of new matter for all the claims herein. These are exemplary.

- 7. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).
- 8. This application presents a claim for subject matter not originally claimed or embraced in the statement of the invention. See paragraph 6 above. A supplemental oath or declaration is required under 37 CFR 1.67. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02. The filing of this oath or declaration may not be delayed; failure to provide such oath will result in holding the application abandoned. The declaration herein would appear to be particularly problematic as the examiner found, in the prior parent applications, that although the specification was a photocopy of the original, the claims for the last several parent applications were determined to be new matter, and thus the line is not

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continuous, but is a line of continuations-in-part, not continuations. This has a material effect on the examination of the application. See, for example, *In re deSeversky*, 177 USPQ 144.

- 9. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). Applicants are required to correct the cross reference to related applications section. Note the corresponding prosecution in the parent application, as to continuing vs. continuing-in-part. The current such section is objected to as incorrect. A second application (which is called a continuing application) must be an application for a patent for an invention which is also disclosed in the first application (the parent or provisional application); the disclosure of the invention in the parent application and in the continuing application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *In te Ahlbrecht*, 168 USPQ 293 (CCPA 1971).
- 10. Any inquiry concerning either this or an earlier communication from the Examiner should be directed to Examiner Edward A. Miller at (703) 306-4163. Examiner Miller may normally be reached Monday-Thursday, from 10 AM to 7 PM.

If attempts to reach Examiner Miller by telephone are unsuccessful, his supervisor Mr. Carone can be reached at (703) 306-4198. The Group fax number is (703) 305-7687.

If there is no answer, or for any inquiry of a general nature or relating to the application status, please call the Group receptionist at (703) 308-1113.

Miller/em January 28, 2002

EDWARD A. MILLER PRIMARY EXAMINER